G. R. S. 59] Confidential

GENERAL AND REVENUE SECRETARIAT.

1912-13
(Legislative)

File No. 69

Serial Nos. 1-5

Papers Filed.

Month August.

SUBJECT

Requisition for certain papers connected with the late Lt. Col. Krishnamurthi's pension application

PREVIOUS REFERENCES.	LATER REFERENCES.

G.R.S. 111

1912-13

GENERAL AND REVENUE SECRETARIAT.

(Legs)

NOTES.

File No. 49

FILE HEADING.

Requisition for certain papers connected with Sir P. N. Krishnamurthi's pension application.

From The Deputy Commissioner, Bangalore

D.O. No. 338. Dated 10 · 3 · 13 Received

Diary No.	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that Messrs. Narasinga Rao Purnaiya & Srinivasa murthi Purnaiya allege that the pension amount due to the late Sir P. N. Krishnamurthi was intended by him for charities & state that certain papers which are in possession of Govt. disclose the nature of the charities intended by Sir P. N. K. and requests that those papers may be sent to him (D.C) as they are required for the disposal of the petition ~~filed~~ presented to the Dy. C. by Messrs. Narasinga Rao Purnaiya & Srinivasa murthi Purnaiya for an order under Sect. 92 of the C. P. Code.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—30,000—27.6.11

Legis 49-12 #3

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Submitted to the Secy Commr Coorg for orders

I do not consider it advisable to issue
the papers required. The Dep^y Commr
& reps to their effect will be issued
if approved

WLS
13/3/13

2 Further details as
to the papers required
& the purpose may
be asked for.

13/3/13

	2.	To the Dy. Comr Bangalore. D.O. No. 228. dy 15-3-13 Requests to be furnished with further details as to the papers required & the purpose for which they are wanted; and also calls for a copy of the petition presented by Messrs. Narasinga Rao Purnaiya & Srinivasa murthi Purnaiya
	3	from the D.C. Bangalore, D.O. No. 347 dy 17.3 States that any record that Govt. may

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 49 of 1912-13

Serial No.

be in possession of, left by the late Lt. P. N. K. showing that his pension amount should be utilized for any charities &c, may be sent to him and forwards copies of petitions called for in 81. 2.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 49 of 1912-13

Serial No.	
4	From, The Deputy Commissioner, Bangalore, D.O. No 492 § 28.5.13. Requests that the papers called for in his D.O. No 347 § 17.3.13 may be forwarded early to enable him to dispose of the petition filed on behalf of Sri. Narasinga Rao Punnaiya which has long been pending.
	3) Secretary's order — Council Clerk. Please put up references. Intd. K.R.S. 29.5.13.
	4) In his D.O. no 338 § 10.3.13, the Dy. Commissioner requested that such of the papers in the Secretariat as had a bearing on the intention of the late Sri Krishna Murti to utilize his pension amount towards some charities, might be sent to him for reference in connection with a petition presented by Messrs Narasinga Rao Punnaiya & Srinivasa Murti Punnaiya. The Dy. Com: was thereupon asked, in this office D.O. No 228 § 15.3.13, to give

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

General and Revenue Secretariat. | Legis File No. 49 of 1912-13

Serial No.

further details as to the papers required and the purpose for which they were wanted. He was also requested to forward for the perusal of Government copies of petitions said to have been received by him. In reply (D.O. No 347 & 17. 3. 1913), he said —

"any record that Govt may be
"in possession of, left by the
"late Sir P. N. Krishna Murti, show-
"ing that his pension amount
"shd be utilized for any charita-
"ble, may be forwarded. If no
"such specific record is in exist-
"all papers that have a refer-
"ence to his intention as to how
"the pension amount shd be
"disposed of, will suffice".

Copies of the petitions ~~also~~ recein from Mr. Narsinga Rao Annaiya and his brother, were also forwarded.

5 This D.O. was not replied to and the present Communication is a reminder to expedite the transmission of the papers called for by Sir

Paper under disposal

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

6

General and Revenue Secretariat. | Legis File No. 49 of 1912-13

Serial No.

Flag X

* Removed and kept in the Bihar & Orissa Judicial Cases
with 7/6/13

Flag R

4) Attention is respectfully invited to Sir Krishna Murti's letter* paras 6 & 7 — in the Confdl file No. 26* Vol. II. Except this, there does not appear to be any other paper bearing on the point. Whether this letter written to His Highness the Maharaja and forwarded to the Secretariat* by Mr. Campbell to serve as a basis of a final Govt. order on the question of Sir Krishna Murti's pension, may be forwarded to the Dy. Comr: is a matter for orders.

Submitted for orders.

29.5.13

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

G. R. S. 12]

General and Revenue Secretariat.

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~~Mani Narasinga Rau Pursuer~~

Samarasam 9) Under Sec 92 of the C.P.C. the ~~Collector~~ Curator of the D.C. is required for bringing suits to be filed by private parties in the case of "any alleged breach of any Express or Constructive trust created for public purposes of a charitable or religious nature"

~~The papers~~ 6) There are no papers before first showing that any trust ~~was~~ Express or Constructive was created by Sec'y K in respect of his personal est... ~~His letter~~ The letter only contains a statement of what he proposes to do with his personal est. of his Samadhi ~~of~~ ~~Sec'y~~ according to his representation.

9) A copy of a resp^{n} ~~to~~ the D.C. ~~has~~ to be sent for - put up says that there are no papers before first which would create his creation of a trust of Sec'y K for the administration of his personal est for public purposes of a charitable ~~&~~ or religious nature and which ~~can~~ can be ~~of~~ ~~nature~~ ~~and~~ to his D.C. in the present ~~petition~~ appⁿ made to him under Sec 92 C.P.C.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

29/5 June 1913

Rec'd 13/3/13

Legis. 49-12-1

DC No 338.

Deputy Commissioner's Office,

Bangalore, 10th March 1913.

Dear Sir,

Messrs Narasinga Rao Purnaiya and Srinivasa Murthi Purnaiya have petitioned me for an order under section 92 of the Civil Procedure Code praying for permission to sue in respect of the use of some amount due to the late Sir P.N.Krishna Murthi, and the same is pending disposal. He(the former)further alleges that the pension amount due to the late Sir P.N. -- Krishnamurti was intended by him to be utilized on some charities and states that certain papers which are in your possession disclose the nature of the-- charities intended by Sir P.N.Krishna Murthi.

2. I therefore request that you will be pleased to send me such of the papers bearing on the subject as may have come into your possession for reference. They will be returned to you when no longer required

Yours Sincerely,

To

K.R.Sreenivasa Iyengar Esq., M.A.,

Offg:Secretary to the Govt.of H.H.

the Maharaja of Mysore, Genl & Rev.Dept

G.R.S. 26]

Legis File No. 49-12

Serial No. 2

*Diary No. of letter replied to*_____

D. O. No. 228

General and Revenue Secretariat

(Legis)

, *the* 19

To

Date of issue 15. 3. 1913.

Signed by Mr. V. R. Srinivasa for.

Dear Sir,

With reference to your letter no. 338 & 10-3-1913 asking for certain papers in the possession of the Government which dis in connection with an application presented by Mr. V. Parvatha and Srivaratha Parvatha by Sir P. A. Krishnaswami I am desired to request you to kindly furnish further details as to the papers required, and

over.

SUBJECT.

~~matters and the exact~~ purpose for which they are ~~may also~~ be ~~stated~~ stated in the under

I am also to request you to ~~be so good as to~~ forward a copy of the petition ~~referred to in your letter as having be~~ received by you from Messrs Narasinga Rao Purnaiya and Srinivasa Murti Purnaiya for the purpose of ~~an~~ order under Section 92 of the C. P. Code praying for permission to Sue in respect of the use of some amount due to the late Sir P. N. Krishnamurti.

List of enclosures,

Yours Sincerely

BS
14/3

To

B. J. Kumarasamy naik Esq BA,
Dy Comm Bangalore DK

Copied by

Examined by

GPL - 10,000—28-2-11.

Enclosure to Legis 49-12-3. D.O. No. 3478/12-3-13.

5

In the Court of the Deputy Commissioner

BANGALORE.

Pension claim No. of 12

1912-13.

Petitioner.	Vs.	Opponent.
Narasinga Rao Purnayya		Lady Krishnamurti

Under Section 5 of the Pensions Act.

The petitioner begs to state as follows:-

1. That his petition for vesting order and his petition for a certificate under Section 6 of the Pensions Act are pending disposal before this Court.

2. That the case filed by the petitioner, O.S. No.4 of 1912-13 on the file of the District Judge is posted to the 17th instant for the trial of the preliminary issues whether that court has jurisdiction over the subject -- matter of the suit and whether the pension had been sanctioned to Sir Krishnamurti during his life time.

3. That the District Judge has made a peremptory order that no further adjournment would be granted unless it be shown that he can proceed under the Pensions Act.

4. That the petitioner fears that the reply of Government to the reference made by this Honoble Court might not be received in time owing to absence of the Dewan on tour in Malnad.

5. That there is considerable delecacy in the production of the Confidential letters addressed by the late Sir P.N.Krishnamurti to the Royal master, His Highness the Maharaja in the matter.

6. That the petitioner himself is unwilling to call for their production but for the attitude of the other members of the family.

7. That the late Sir P.N. Krishnamurti lived an orthodo life all his life time and that he maintained several -- charities in Bangalore, Tirupathi, Yelandur and other -- places.

6

other places.

8. That the maintenance of these charities and also the encouragement of Sanskrit and other kinds of education engaged his serious attention and that he made a provision for these out of his properties.

9. That his accumulated pension of about Rs.35,000/- be calculated as the fund to meet his wishes in the -- manner indicated herein before.

10. That [illegible]y records and representations made to His Highness from time to time by the late Sir.P.N.Krishna Murti and the parties, bear out the allegations contained in this petition.

11. That there has been considerable difficulties in substantiating these allegations owing to the fact of not having access to these records.

12. That the keys of the Safes , boxes etc. containing the family records were secured by the opponent so far back as December 1911, i. e. about the time of the demise of the late Sir P.N. Krishnamurti

13. That the representation made by Mr.B.Venkoba Rao to this Court further discloses the fact of the safes etc. being locked by some other members of the family.

14. That though the petitioner has been declared by the Government to be the Jahgirdar of Yelandur in succession to the late Sir P.N.Krishnamurti, he has not been able to -- have access to the family records up to date on account of conflicting ~~flames~~ claims advanced by male and female members of the family.

15. That further difference arose when the Government passed their orders No.J.464-7/Legis.24-11-15 dated 12th August 1912, regarding the disposal of the annuity enjoyed by the late MrPurnaiya who had predeceased his -- brother by about 4 months.

16. That ~~from the~~ further representations made by the parties affected by the said order have resulted in an enquiry

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enquiry being held by the Government on the 26th instant for reconsideration of the said Government order.

17. That the pension order was also passed simultaneously directing that the accumulated amount would be placed -- at the disposal of the opponent.

18. That in the absence of any indication in the said Government order as to the manner of disposal of the -- pension amount by the opponent, the petitioner was forced to file the suit in the District Court as aforesaid.

19. That the petitioner has no personal interest in the matter other than that of respecting the wishes of the deceased.

20. That if the opponent as being a widow of the senior member of the family is willing to give effect to the wishes of the deceased, the petitioner will be exceedingly happy either to act jointly with her or to entrust her the management of the charities to her during life time.

21. That it is necessary that a schedule should be drawn up which would be in accordance with the wishes of the deceased and which would be acceptable to Government and also beneficial to the public whose interests the charities are intended to serve.

22. That this Court being the custodian of all Muzrai Institutions and the protector of the interests of charities as the duly constituted agency of the Government in the -- District bothe under the provisions of law and custom of the country, the petitioner seeks the aid of the -- Hon'ble Court in furthering the interests of the charity in question by instituting necessary enquiries and ordering the disposal of the accumulated amount to the extent of about 35,000/-Rupees which His Highness's Government graciously sanctioned about eight months after the demise of the late Sir P.N.Krishnamurti.

23. That the petitioner therefore prays that this Hon'ble Court be pleased to direct the Treasury officer not to

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to pay the amount to any party pending the disposal of the petitions made to this Court, and that he further prays that immediate action by this Hon'ble Court is necessary in the event of the District Court holding -- that it has no jurisdiction over the subject matter, as the amount will have to be secured for the charity and not for private purposes.

Sd/-Narasinga Rao Purnaiya,

"C O P Y"

Deputy Commissioner.

Compd by

Encl to D.O. no.3407 9 9/8/13

To

The Deputy Commissioner,

Bangalore District,

Bangalore.

Petitioners:-
1.Mr.Narasinga Rao Purnaiya
2.,, Sreenivasa Murti Purnaiya

Sons of Mr.P.N.Purnaiya.
Address: Poornaprasada,
Bangalore City.

The petitioners respectfully beg to state:-

That their revered uncle the late Sir P.N.Krishnamurti K.C.I.E.,dedicated his pensionary acquisition which he had left to accumulate with the Government for certain religious and charitiable purposes namely the maintenance of Sree -- Anjaneyaswami's temple at Poornaprasada which he had himself built and for the imparting of Sanskrit Education.

That this dedication is contained in a note book in -- which he has written this in his own hand, and was also made orally in the presence of several gentlemen and is also -- mentioned in various petitions he addressed to His Highness the Maharaja and to the Government.

That latterly his widow Lady Kaveribai Krishnamurti attempted to draw the money for herself and so a suit is already filed to restrain her from doing so and for a declaration that the money which now amounts to some Rs.36,000/- and odd belongs to the said charities.

That it is quite necessary to obtain a decree of a competent Civil Court to administer the said property and to vest it in proper trustees and to have a proper scheme made for the administration of the trust and for other incidental -- reliefs.

The petitioners therefore beg that your honour will be pleased to accord the necessary sanction for such a suit -- under section 92 of the Civil Procedure Code.

Sd/-NarasingaRao Purnaiya
Sd/-Sreenivasamurti Purnaiya

"COPY"

Deputy Commissioner.

Encl. to D.O. No. 347 S 7/3/13

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PURNAPRASADA,

Bangalore, 4th March 1913.

To

The Deputy Commissioner,

Bangalore District.

Sir,

In the matter of the suit filed by me against Lady Krishna Murti in the Court of the District Judge, Bangalore Division(original suit No.4 of 12-13)for a declaration of the trust created by the late Sir P.N.Krishna Murti by the disposal of his moneys allowed to remain with the Government, I beg to state that under the orders of Government passed on 12th August 1912, Financial 717-8/S & A 134-12-1 dated Bangalore 12th August 1912, about 34,000/-and odd rupees have been ordered to be disbursed by you to Lady -- Krishna Murti, which happen to be the subject matter of the suit. In the settlement of the disposal of the money, I beg to state that the wishes of the late Sir P.N.Krishna Murti will have to be respected by every surviving member of his family. In filing the suit I am not at all actuated by any selfish motive, my only desire being to obey the commands of Sir P.N.Krishna Murti and to carry out his wishes to the best of my ability. If obstacles are thrown by others in the way they will have to be advised to respect the wishes of the deceased.

The manner in which the charities are to be managed is indicated in several written communications which are in a Safe and other receptacles in Purnaprasada locked by Lady Krishna Murti and others. The general intention of Sir P.N. Krishna Murti is, however, made manifest in his letter of 14th November 1911, addressed to His Highness the Maharaja and mentioned in the preamble of the order of Government referred to above. There were similar previous communications addressed by the deceased to His Highness the Maharaja will in now way serve public interests. When the intention of the deceased is understood it will be more to the benefit of the

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the public than of particular individuals. My petition for a vesting order is pending disposal before you. Meanwhile the District Judge is anxious to dispose of the above suit early and has posted the same to the 17th instant for the trial of the preliminary issue, viz. whether the District Court has jurisdiction over the subject matter of the suit. In my humble opinion the provisions of the pensions Act(XXIII of 1871) do not apply to the present case. Circumstances are -- peculiar and the accumulated amounts due to Sir P.N. Krishna Murti from 1st April 1906 were ordered to be paid to Lady Krishna Murti on 12th August 1912, nearly 8 months after Sir P.N.Krishna Murti's death.The amount in the eye of law is property which will have to be disposed of in pursuance of the wishes of the deceased. So far as the wishes of the deceased go, I can safely mention to you that the deceased has left in writing instructions to the effect that not a single pie of this shall go to Lady Krishna Murti. These -- and similar instructions are in the Safe etc. referred to above. In the interests of charity, in the interests of the public and in the interests of the reputation of the deceased it is necessary that the facts should be ascertained by you and effect given to them. I request you will kindly therefore call upon Lady Krishna Murti to enable you to give an opportunity to have access to the necessary papers in the Safe, so that you may be in a position to satisfy -- yourself regarding the intentions of the deceased.I would further beg of you to write to the Secretary to the Government of His Highness the Maharaja and to satisfy yourself with regard to the intentions of the deceased regarding the disposal of this money towards charities as contained in his several communications referred to above. As the case is posted to the 17th instant for disposal, a certificate by you under sec-

section

12

section 6 of the Pensions Act will enable me to press for adjudication upon evidence in the District Court. I would therefore request you to grant the certificate under section 6 of the Pensions Act.

I beg to remain,

Sir,

Your most obedient servant

Sd/-Narasinga Rao Purnaiy

"C O P Y"

Deputy Commissioner.

Pers W

Gl + Rev 14 Sectt, Bangalore
Dt 30th May 1913

J. Mis 206-12. J 3722 d. 6.6.13

Legis 49-12-5

Draft D.O

Dear Sir,

Adverting to the correspondence ending with your D.O. No. 492 dated the 28th May 1913, calling for the papers showing how the pension of the late Sri P.N. Krishnamurthi should be disposed of, I am desired to inform you that there are no papers before Government which indicate the creation of a trust by Sri P.N. Krishnamurti for the utilization of his pension amount for public purposes of a charitable or religious nature and which will be of material use to you in disposing of the application made under Section 92 Civil Procedure Code.

Yours Sincerely

Copies sent

2/6/13

Ver 11

To
Sri B. J. Hoc ~~as Samii Naidu Esqre BA~~
Dt Master, Bangalore

Sd
Dues
3.0?